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1642

AN ✓

A N S W E R
Of the Right Honourable the
E A R L E
O F
NEVV-CASTLE
His Excellency, &c.

To the six groundlesse aspersions cast upon
him by the Lord *Fairefax*, in his late Warrant
(here inserted) bearing Date *Feb. 2. 1642.*

By the E A R L E *Himselfe.*

The Protestation of the afflicted Ministers, Printed 1605.

Pag. 4.

*Though the King command any thing contrary to the Word, yet we ought not
to resist, but peaceably to forbear obedience, and sue for grace, and when
that cannot be obtained, meekely submit our selves to punishment.*

And Pag. 18.

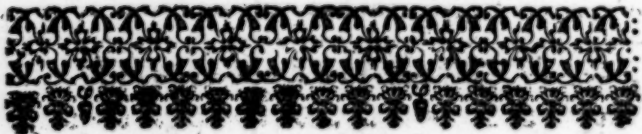
*It is utterly unlawfull for any Christian Churches by Armed Power against
the will of the Civill Magistrate to set up in Publique the true Worship
of God, or suppress any Superstition or Idolatry.*

Printed at *Yorke*, and reprinted at *Oxford* by *H.H.* 1642.



I*T is my Will and Pleasure, That this
Answer, together with the Lord Faire-
fax his Warrant, be published in all Churches
and Chappels within this City and
County of Yorke.*

W. NEW-CASTLE.





AN
ANSWER OF THE RIGHT
Honourable the EARLE of NEW-
CASTLE, his Excellency, &c.



T is no new thing (though it was never so frequent as now) for Incendiaries to accuse Innocents as disturbers of the Publike tranquillity of the Country. So ugly is the Face of Rebellion when it comes unmasked, without some cloake or Vizard over it, that even seditious persons cannot fancy it in themselves. The charge which the Lord *Fairefax* gives against me, in this Declaration, is like that of a Roman against his fellow Citizen, That *he did not receive his whole weapon in to his body*. He was angry that his neighbour should defend himselfe, and my Lord, that I should protect His Majesties good Subjects from his violence. And though a generall accusation might justly be sleighted as a slander, to which by the Lawes of this land no man is bound to answer, to which it is impossible for any man to make a direct answer (since it is not invested

with the due circumstances of time and place and persons) neither is the Lord *Fairefax* able to bring one particular instance to make good his generall calumniation, yet since it proceeds from a person of his eminency, I have thought fit as well for the vindication of mine owne honour, as for confirmation of the minds of His Majesties well affected subiects in their loyalty to repell his slanders in the presse, as I doubt not by Gods assistance to do his forces in the field. Yet give me leave to wonder who they are that have such an influence upon his Lordships understanding, as to draw him in six lines to Publish to the world six groundlesse aspersions, against a person that hath not deserved ill of him without the least provocation.

The first is, That *contrary to the Laws of the Land I have raised a great Army*. I might answer, That the Lawes are indeed an excellent standard and measure of Justice so long as they are common to all parties, but when they become like spiders webs to intangle some, and let through others, when some men must observe Law, and others will be free from all Law, it is the greatest partiality and the falsest measure in the world. And as our Saviour said to the Pharisees, If I by Beelzebub cast out Devils, by whom do your Children cast them out? They shall be your Judges. So say I, If I be a Delinquent against the Lawes, for raising defensive Arms by vertue of His Majesties Commission (with whom alone the power of the *Militia* is intrusted both by God and Man) what is the Lord *Fairefax* and his parteners for raising offensive rebellious Arms against their fellow Subiects, without, nay, against His Majesties authority. But he hath appealed to the Lawes, to the Lawes let him goe: Let him shew but any one particle of known Law, Statute or Common, which I have violated, and I shall lay downe Armes as cheerefully as I tooke them up. But if this be impossible (as without doubt it is) then cease at length to tell us of Lawes in the clouds, or of Lawes written in the Sybills bookes, which no men ever read

or heard of but your selves. All true English men will disdain to exchange their inheritance, the antient Lawes of this Land (under which they and their progenitors have already enjoyed such happy and Halcionian daies, and hope still for better from His Majesties greater experience, and late Acts of Grace) either for a Company of far-fetched deare-bought principles, drawn without Art or Judgement, by factious unskillfull persons, out of the Law of nature or of Nations, as a Lesbian rule to serve their ambitious ends: Or for Arbitrary Government, which knowes no bounds, or limits but the will of head-strong discontented persons. With what face can these men name the Lawes of the Land? when one of them hath lately told the world in print, that they are but *the inventions of men: Yea morall precepts, fitter for Heathens then Christians*. In a word, I raise Armes by the Law, and for the Law, to protect the Lawes and Religion established; you to subvert them both, I raise Armes under His Majesty, for His Majestie; you without him, against him, by vertue of your owne warrants: If it be not so, shew us but one text, one Statute, nay, but one poore case or president for your Justification. And that you may see I am in earnest, I desire God to vouchsafe his blessing and assistance to that party which stands truly and cordially for the defence of the knowne Lawes of this Realme, and to deny it to all others.

The second charge is, That *mine Army consists of Papists and other Malignants*. That I have in mine Army some of the Romish Communion I doe not deny, yet but an handfull in comparison of the whole Body of it, I beleeeve not above one of fifty, and I wish their Consciences as well satisfied as mine owne of the Trueth of our Profession. These I admitted for their Loyalty and Abilities, not for their Religion, as was most lawfull for me to doe; a course warranted by the examples both of God and Man, and chalked out to me by themselves: yea, it was a note higher in them, in a Warre pretended against Papists, to

make use of Papists in places of great trust and command; nay, doe they not still admit all sorts of Sectaries, Brownists, Anabaptists, Familists, &c? I have demonstrated the equity of this course to the World, which they know not how to answer; the fidelity of the one shall rise up in judgement against the Rebellion of the other, and condemne it; Certainly in this particular Service they shew themselves better friends to the Protestant Religion, then the others. But they are not satisfied to robbe me of them, unlesse they may sweep away all the rest under the stale and empty name of Malignants; I doe not much blame them, their intended worke would be more easily atchieved. But let us inquire who in their Dialect are these Malignants; Are they who doe not willingly part with their Religion, Lawes, Liberties, Lively-hoods, left them by their fathers upon Arbitrary Votes? So a Theise may Terme a True-man a Malignant, because he doth refuse to deliver his Purse upon demand; So the Wolves in their Treaty of Accommodation with the Sheep, desired the Dogs to be delivered up to them as Malignants. Those have hitherto beene esteemed Malignant humours in the Body Naturall, which being stubborne, Rebellious, Venemous, are with difficulty reduced to their right temper, either by strength of Nature, or skill in Physicke, not, those which are not easily infected or distemper'd. This is new Learning, and requires a new Dictionary to warrant it. Before they conclude them Malignant, they should doe well to prove them to be *Peccant* against any authentick rule: The Apostle saith, *Where there is no Law there is no transgression*; To accuse boldly is not sufficient to convince. If a common Adversary did not keep them in a kind of *Herodian* Unity for a time, your Brownists would soon condemne your ordinary disciplinarians for Malignants, and your Anabaptists againe your Brownists, &c.

Thirdly, you charge me to have *Invaied this Countrey of York.*

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An insolent and presumptuous Challenge. Can the Kings forces be said to make an Invasion in His owne Dominions? The second blow may be said to make the fray, but it is the first that makes the Invasion. Say in good earnest, did not your Forces first make Inrodes into the Bishoprick of *Durham* under my charge, where they had no pretence of imployment? Did they not Rob and Plunder sundry of His Majesties Leige People at *Dornon*, in such cruell-māner, that the prime Officer of the Towne died of greife within three or foure Dayes? Did they not give an assault upon *Pierf-bridge* to their losse? And when I come to chastise these Intruders, can it be ealled an Invasion? Neither did I then set foot into this County, but upon the earnest Sollicitation and Intreaty of the Prime Nobility and Gentry of *Yorke-shire*, to secure them from your violence and oppression. If Protection be Invasion, then this is Invasion. I could nourish little hopes that these restless Spirits, who could not be bounded within their own calling, would be contained within the limits of a Countrey: Or that they would spare me any longer, then untill they had fully subdued their Neighbours and fellow Subjects at home. Neither could I have beene ever able to have given an Accompt to His Sacred Majesty for such an unpardonable omission, if being Armed by His goodness with sufficient power to repressse such tumultuous disorders, I should see before mine eyes His Loving and Loyall Subjects trampled upon by His and their Enemies, in His Cause; and for His sake; and whilest they seek to me for succour, I should be wanting in my Duty to my dread Sovereigne; and my necessary assistance to them. All this while the *Lincolnes-hire* Forces are quite forgotten, they were Brethren; no Invaders.

The fourth charge ariseth yet higher, For killing and destroying some numbers of the Religious Protestant Subjects. Where did ever my Forces kill one man who did not take up Armes against us, or was not ready to have killed us first if he could? The weight

weight of guiltlesse blood is more heavy then a Mountaine,
 The staine thereof not to be washed out with all the water in the
 Ocean, but only by the tears of Repentance, and the blood of
 Christ. This weight and guilt of blood shall lie heavy upon the
 heads of those men and of their seed after them, who have been
 the authors and fomentors of these horrid distractions, when
Peace shall be upon the head of our Sovereign, and his seed, and his
throne for ever. They that take the Sword (without a lawfull cal-
ling) shall perish by the sword, And He that sheddeth Mans blood
(without a Commission from the King of Heaven, who only hath
originall Power over the lives of his creatures, and no multitude
of men in the world collective or representative whatsoever) by
Man shall his blood be shed. The supreme Magistrate is Gods
 Vicegerent, And *Beareth not the sword in vaine;* but those who
 presume to use the sword and can derive no Power from him, it
 were meet for them to make their Accounts betimes with God,
 least they die in the state of Murtherers both of themselves and
 others, both of soule and body. It is an easie thing for an Ora-
 tor to cast a mist before the eies of Vulgar People, and make
 them a plausible Discourse of the *Cause of God, the true Religion,*
of suppressing Superstition and Idolatry, and setting up the Right Wor-
ship of the Lord. They had hard hearts if they could not afford
 themselves a good word. But admitting, not granting, all
 this to be true (which is most false) will this plea yet
 serve before the Judge of Heaven and Earth? Nothing
 lesse. These very Men and their Predecessors, have taught the
 contrary, have protested the contrary, have Printed the contra-
 ry, *Ante mota certamina,* before these unhappy differences be-
 gan, whilest mens eies were not fascinated with faction and pre-
 judice. Then themselves condemned this very Doctrine which
 now they practice as *Antichristian and Anabaptisticall,* and
 their present practice which they now defend, as *seditions*
and sinfull; this would be truly laid to heart: And withall, that if
 the

the Lord *Fairfax* and his friends had beene men of their words, or performed that agreement to which Honour and Justice did oblige them, all the blood which hath beene spilled, or shall be shed hereafter in this Cause, had beene saved; And upon their score it will be cast in the end, both by God and Man. It would be known who they are whom emphatically (if not exclusively) he calls Protestants. Are they the Successors in Doctrine of those first Reformers in Germany, whom from a *Protestation* made, they named *Protestants*? No, what these old Protestants allowed and practiced as lawfull and necessary, these new Protestants condemne as superstitious and Antichristian. This is beyond the power of Omnipotency to make both parts of a contradiction to be true, Protestants whilest they continue the same to be no Protestants, and no Protestants to be Protestants. If they do cordially love the thing as they do hugge the name, why do we not all shake Hands and become Freinds?

And so from murthering their bodies he proceeds to steruing their soules, that is, by *Banishing and imprisoning the Zealous Ministers*. This is my fifth charge. I envy no mans zeal, but wish them Discretion proportionable to their Devotion. To satisfie their charge home, first, *de jure*, what may be done. It hath ever been accounted lawfull to bind a phreneticke mans hands. Shall it be lawfull for these seditious Orators to bring railing accusations into the Pulpits daily against the Lords annointed; such as Michaell the Archangel durst not bring against the Diuell, and yet be free from question? May they prostitute the Ordinance of God to the rebellious designs of ambitious men, yet be free from question? Could these Embassadors of Peace keepe themselves to that Theame, which was bequeathed to them by the Prince of Peace, they might long injoy their Benefices and Liberties; yea, with some connivence to a truly tender Conscience. But when a Man may frequent their Sermons a whole yeare, and heare nothing but incentives to War,

shedding the Blood of the ungodly, and adjoining with others to make a great Sacrifice to the Lord, may not a man justly say to them, as Queene Elizabeth sometimes to an Embassadour, *Hei mihi vocem Pacis expectavi, Cur Belli clamorem audio?* Are not these the same Men who teach in their owne case, That he deserves more rigorous punishment who shall infect the Soules of Men with poysoned Doctrine, then he that shall destroy their bodies with poyson? Are not these the Men, who upon the same grounds have silenc'd or Imprisoned; or, to use their owne Phrase, banished from their Churches so many of our Reverend, Learned, and Worthy Divines throughout the whole Kingdome, to subintroduce Heterodox, and contentious persons in their Rooms? And may no Man say to their Minions, not worthy to sit at the Feet of the other, *Domine, cur ita facis?* Sir, why doe you so? Or shall we once againe bring in an exemption of Church-men privately at the backedoore, which we have Publicly thrust out at the foredoore? Thus you see it might be done, even upon your own grounds in point of right.

Now for the matter of fact, it is as much mistaken as the right, I have recollected my selfe, I have inquired of my Secretary, yet can I not find one Minister by me either banished or imprisoned. If any Minister either before my coming or since, being apprehensive of his own demerits, or out of a guilty Conscience, without other compulsion, did forsake his Church, and leave it as the Ostridge doth her eggs in the sand, without care or provision, you cannot call this Banishment. Or if any of your Ministers have assumed a pluralitie of professions and added the Sword to the Word, if my Officers should mee with him in such a garbe, might they not inquire, *an hac tunica Filii tui sit*, and take him in his second capacity? Or lastly, if the Justices of this County, who live upon the place, and do best know seditious persons, and the just feares and dangers of the County, have thought fit to restrain any man from doing hurt,

hurt, was I bound to give a protection or a supersedeas when you instance in particular persons, you shall receive particular satisfaction.

And so from the Body and Soule hee descends to the Estate, the last steppe of his accusation, in these words, *And hath besides done infinite spoile and wast upon the good Subjects, plundering and taking away their Goods and Cattle, in so much as in many places there are neither Men nor Cattle left to Till the Ground.* Lord how these men are touched to the quick, when any man but themselves dare offer to plunder! As if they desired not only the free Trade, but even the Monopoly of Plundering to themselves. I know no such places in this County as he mentions; if there be any such, without doubt they must needs know the desolation which themselves have made. But do they thinke with such clamours and outcries to deaf the eares of men, and drowne the ejulations of poore people, whom they have harrowed? They have spared no Age, neither the venerable Old Man, nor the innocent Child; No orders of Men, The long Robe as well as the short hath felt their fury. No Sex, nor Women, no not women in Childbed, whom common humanity should protect: No condition, neither Fathers nor Friends. They have spared no places, The Churches of Christians which the Heathens durst not violate, are by them prophaned. Their Ornaments have beene made either the supply of their necessities, or the subject of their scurrilities; their Chalice, or Communion Cups (let them call them what they will so they would hold their fingers from them) have become the objects of their Sacrilege; the Badges and Monuments of antient Gentry in Windowes and Pedegrees have beene by them defaced; Old evidences, the Records of private Families, the Pledges of Possessions, the boundaries of Mens Properties, have beene by them Burned, torne

in pieces, and the Seales trampled under their feet. Seelings and Wanscott have beene broken in pieces, Walls demolished, a thing which a brave Roman spirit would scorne (to tyrannize over Walls and Houses.) And all this by a company of Men crept now at last out of the bottome of *Pandora's* Boxe. The poore Indians found out by experience that Gold was the Spaniards God, and the Country finds to their losse what is the Reformation which these men seeke. At this very time, I am informed they are executing the illegall Order for the Twentieth part of every Mans Estate in *Craven*. This would be a sufficient answer for them, but not a sufficient plea for me.

Therefore in the second place I adde, that my case is clear different from theirs: there may be Treason against the King, there can be none against them. There may be Forfeitures of Estates to the King, none to them. The King may raise Armes and leavy a just Warre, whatsoever they do in that kind is void by the Law of Nations; whatsoever they shall acquire in such a Course is not by Right, but a nicere Nullity. No tract of time can weare away the unlawfulnessse of the first acquisition, but after an hundred yeares possession, they are still *mala fidei possessores*, possess it with a bad Conscience, and are bound to make restitution.

Lastly, for matter of fact, when I came first into this County I made a publike Declaration against plundering in Print, which I have since endeavoured to observe. Yet that some men of their party have suffered in their estates I do readily grant, that is, either such as have absented themselves, or have refused to pay those proportions of money which were imposed upon them by the County. But whatsoever hath been done in that kind hath been done by the Gentry or the Committees by them named, with as much moderation as the present exigence of affaires would permit, wherein I have rather acted

acted the part of their Minister, to execute what they resolved, then looked upon that great trust which His Majestie hath imposed upon me. So I have done with the charge.

The Lord *Farrifax* requirer all Parties to appeare, and I Command them all upon their Allegiance to stay at home. They may perhaps come thither without danger, but the difficulty will be to get safe back againe, *sed revocare gradum, hic Labor hoc Opus est*, and afterwards to avoyd certaine punishment for these tumultuous and Rebellious meetings. It were a more conscionable and discreet part of them, to repaire all as one unanimous body to their Sovereign's Standard, and drive out these Incendiaries from among them, who have beene the true authors of all the pressing grievances and miseries of this County.

Withall, his Lordship talkes of driving me and mine Army out of the County, he knowes this cannot be done without a meeting. If it be not a flourish, but a true sparke of undissembled Gallantry, he may doe well to expresse himselfe more particularly for time and place. This is more conformable to the Examples of our Heroicke Ancestors, who used not to spend their time in scratching one another out of holes, but in pitched Fields determined their doubts. This would quickly set a Period to the sufferings of the People, unlesse he desire rather to prolong those miserable distractions, which were begun with breach of Promise. It were pittie if his desires leade him this way, but he should be satisfied: And let the God of Battels determine the right of our English Lawes and Liberties.

F E R D I N A N D O Lord FAIREFAX,
 Generall of all the Northerne Forces raised
 and to be raised for the Service
 of KING and PARLIAMENT.

To all and singular the Majors, Bayliffes, Aldermen, and other Magistrates, and to the Ministers of the Churches within the *West-Riding* of the County of *Yorke*, and to every of them.

FOr as much as the Earle of Newcastle, contrary to the Lawes of the Land, hath raised a great Army of Papists, and other Malignants, and with them Invaded this County of *Yorke*, Killing and Destroying some numbers of the Religious Protestant Subjects, Banishing and Imprisoning the Zealous Ministers, and hath besides done infinite spoyle and wast upon the good Subjects, Plundering, and taking away their Goods and Cattell: in so much as in many places there are neither Men nor Cattell left to till the ground. These are therefore to desire and Command you respectively to cause to be Published and Proclaimed in all the Churches and Markets of this County, that all Men of able Bodies and well affected to the Protestant Religion, are required with the best Weapons and furniture for the war that they have; to assemble, come in, and assist me and the Army under my command, in expelling and driving away out of this County the said Army of Papists, and common Enemies of the peace, each Man bringing with him necessary Victuall for foure Dayes, onely the said Forces thus to be raised, to draw downe to the severall places of Rendezvous hereafter named,
 that

*That is, The West-Riding Men to Sherbourne and Abberford;
The North-Riding Men to Tollerton and Awne; And the East-Riding Men to Stamford-Bridge; all of them to be there on Munday Night next, And so to March forward as they shall be ordered by Command that shall meet them at the places aforesaid. And for so doing, this shall be your Warrant.*

Given under my Hand and Seale the second Day of
February, Anno Domini, 1642.

Per. Fairfax.

*To John Tayler, one of the
High Constables of Skirackes,
to procure this to be Publi-
shed within your division,*

FINIS.
